

# MANDATE

S.D.N.Y.-N.Y.C.  
12-mj-3229  
Crotty, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 15<sup>th</sup> day of March, two thousand sixteen.

Present:

Rosemary S. Pooler,  
Richard C. Wesley,  
*Circuit Judges,*  
Richard K. Eaton,  
*Judge.*

**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:** \_\_\_\_\_  
**DATE FILED:** July 07, 2016

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United States of America,

*Appellee,*

v.

15-2597

Tom Alexander William Hayes, AKA Sealed Defendant 1,

*Defendant,*

Roger Darin, AKA Sealed Defendant 2,

*Defendant-Appellant.*

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In re Roger Darin,

15-3896

*Petitioner.*

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In 15-2597, the Government moves to dismiss the appeal for lack of appellate jurisdiction, and, under 15-3896, Roger Darin petitions for a writ of mandamus. Upon due consideration, it is hereby ORDERED that the Government's motion to dismiss is granted because the district court's

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\* Judge Richard K. Eaton, of the United States Court of International Trade, sitting by designation.

MANDATE ISSUED ON 07/07/2016

order is not immediately appealable. *See Midland Asphalt Corp. v. United States*, 489 U.S. 794, 798 (1989). It is further ORDERED that the mandamus petition is DENIED because Darin has not demonstrated that exceptional circumstances warrant the requested relief. *See In re City of New York*, 607 F.3d 923, 932 (2d Cir. 2010).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

 

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

 